

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 593 of 1999

For Approval and Signature:

Hon'ble MISS JUSTICE R.M.DOSHIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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RAMSAHAY YADAV

Versus

FCI

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Appearance:

MR SD PATEL for Petitioner

MS SN PAHWA for Respondents

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CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 01/02/99

ORAL JUDGEMENT

Leave to annex communication dated 13th January, 1999. Rule returnable today. Learned advocate Ms. S.N.Pahwa has, at the suggestion of the Court, accepted the advance service of the petition. She appears for and waives service of rule on behalf of the respondents herein.

2. The respondent Corporation has, after consultation with the workers' union, appointed the petitioner to be the Sardar of Gang No. 9 at Sabarmati under its order dated 22nd November, 1998. Mr. Patel, the learned advocate appearing for the petitioner relies upon the communication dated 13th January, 1999 and states that since the workers' union has now recommended the names of one Shri Karimkhan and one Shri Suresh Pal Bhalla for appointment as Sardar of Gang No. 9 at Sabarmati and Gang No. 7 at Viramgam respectively, the petitioner will be reverted from the post of Sardar. Therefore, the petition.

3. On the facts and in the circumstances of the case, it is directed that in the event the respondent Corporation agrees to accept the recommendation made by the workers' union under its communication dated 13th January, 1999, the petitioner shall not be reverted to the lower post without affording him an opportunity of showing cause against such reversion. Petition is allowed to the aforesaid extent. Rule is made absolute accordingly. There shall be no order as to costs.

1.2.1999. (Ms. R.M.Doshit,J.)

Vyas